

**Remarks**

Reconsideration and allowance of this application, as amended, are respectfully requested.

Applicant acknowledges with gratitude the telephonic interview conducted with the examiner on March 18, 2010. During the interview, Applicant first stated that one reason for filing the Request for Continued Examination along with the Amendment filed September 8, 2009, was to ensure that new claims 21-25 would be considered.

Applicant then mentioned the possibility of claiming an embodiment in which the glue supplying line extends through the application head. Applicant explained that the aforementioned configuration provides operational flexibility since the application head is movable along the glue supplying line, i.e., in a direction that is perpendicular to a transport direction of the bag.

Turning to the Amendment, claims 1 and 21 have been amended along the lines mentioned during the interview. Claims 14 and 15 have been canceled without prejudice or disclaimer. Dependent claims 6-8 and 25 have been amended for consistency with, respectively, claims 1 and 21. Claims 1-13 and 16-25 are now pending in the application, with claims 18-20 withdrawn from consideration as being directed to a constructively non-elected invention. Claims 1, 18, and 21 are independent. The sole rejection is respectfully submitted to be obviated in view of the

amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

Claim 1 has been amended to define a base insert device having a glue feed that includes the features previously presented in now-canceled claims 14 and 15. Claim 21 has been amended to define an embodiment of the invention in which the glue feed includes "at least one glue supplying line which engages into the chamber and extends through the application head, the application head being movable along the glue supplying line in a direction that is perpendicular to a transport direction of the bag." Support for the recitation is found in the disclosure in the paragraph bridging specification pages 4 and 5, and in Figure 1 (see elements 4a and 4b). The configurations of the base insert device defined by claims 1 and 21 provide operational flexibility since the application head is movable along the glue supplying line. Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a) – Boger and Miller

Claims 1-17 and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,687,137 to Boger et al. (hereinafter "Boger") in view of U.S. Patent No. 5,609,711 to Miller.

The rejection of claims 1-17 and 21-25 under § 103(a) based on Boger and Miller is respectfully deemed to be obviated.

For at least the reasons presented in Applicant's reply of September 8, 2009, and the following reasons, the combined disclosures of Boger and Miller would not have rendered obvious Applicant's presently claimed invention.

First, the combined disclosures of Boger and Miller do not teach each feature of Applicant's claimed invention. As indicated above, instant claim 1 requires that

*the glue feed includ[e] (i) at least one chamber through which at least one part of the valves is fed with the glue and which has a diameter of at least 5 mm in at least one place, and (ii) at least one glue supplying line which extends to the application head, the glue supplying line engaging into the chamber and the chamber being displaceable along the glue supplying line at least partly in a direction extending perpendicular to a transport direction of the bag.*

See the disclosure in the paragraph bridging specification pages 4 and 5 that "the application head can also be arranged such that it can be displaced on the tube" (i.e., on the glue supplying line). Since the application head is movable along the glue supplying line, i.e., along the longitudinal axis of the glue supplying line, the claimed configuration provides operational flexibility for applying the glue to the folds and labels.

The Boger and Miller patents fail to disclose the above-described features of Applicant's claimed device. As acknowledged in the Office Action of May 7, 2009, "Boger does not disclose the use of starch glue with [a] supplying line [that] extends to the application head" (Office Action page 2).

With regard to Miller, the examiner previously asserted that "Miller discloses a similar device with the use of dispensing starch glue with supplying line extends to the application head with a diameter of valve being at least 5 mm, see for example (Fig. 3; via adhesive applicator device 28)" (Office Action of May 7, 2009, page 2). However, as is evident from Miller's Figure 3, an adhesive applicator device that simply "extends to the application head" is both structurally and functionally different from Applicant's requirement of a "glue supplying line engaging into the chamber and the chamber being displaceable along the glue supplying line at least partly in a direction extending perpendicular to a transport direction of the bag."

Accordingly, even if the disclosures of Boger and Miller were combined as asserted in the present Office Action, the result would not be Applicant's presently claimed base insert device.

Second, as explained in detail in Applicant's previously-filed replies, there is simply no teaching in either Boger or Miller that would have led one to select the references and combine them in a way that would produce the invention defined by any of Applicant's pending claims.

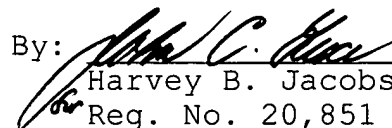
Accordingly, the combined disclosures of Boger and Miller would not have rendered obvious the invention defined by Applicant's instant claim 1. Claims 2-13, 16, and 17 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

Instant claim 21 is similarly allowable. Claim 21 defines an embodiment of the invention in which the glue feed includes "at least one glue supplying line which engages into the chamber and extends through the application head, the application head being movable along the glue supplying line in a direction that is perpendicular to a transport direction of the bag." See the depiction of application head 1 and glue supplying line 4a, 4b, in Figure 1. Again, an operational advantage of the embodiment of the device defined by claim 21 is that the application head is movable along the longitudinal axis of the glue supplying line, i.e., in a direction perpendicular to the transport direction of the pieces to be glued. Claims 22-25 are allowable because they depend from claim 21, and for the subject matter recited therein.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that another interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: March 24, 2010